

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOE HAND PROMOTIONS, INC.,

Plaintiff,

Case No. 19-12217

v.

Hon. George Caram Steeh

DAMON MEHRJOO, DANIEL OWEN,
individually, and as officers, directors,
shareholders, members and/or principals
of O & M WATERFORD, INC., d/b/a
Drayton Station,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION
FOR ALTERNATE SERVICE (ECF NO. 6) AND
GRANTING MOTION TO EXTEND SUMMONS (ECF NO. 7)

Plaintiff seeks an order permitting it to serve Defendants Damon Mehrjoo and Daniel Owen by alternate means. Plaintiff has made three unsuccessful attempts to serve each defendant at his residence. Plaintiff also seeks an order extending the summons by 45 days. See Fed. R. Civ. P. 4(m).

Pursuant to Fed. R. Civ. P. 4(e), service on an individual may be made by "following state law" in the forum state. The Michigan Court Rules provide that an individual may be served by personal delivery or by certified mail, return receipt requested, and delivery restricted to the addressee.

M.C.R. 2.105(A). If service “cannot reasonably be made as provided by this rule, the court may by order permit service of process to be made in any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard.” M.C.R. 2.105(I).

Plaintiff has not made a showing that service cannot reasonably be made pursuant to M.C.R. 2.105(A). The court notes that some of the service attempts were at times when working adults may not be expected to be at home. See ECF No. 6, Ex. B (attempts at 8:32 a.m., 5:29 p.m., 6:14 p.m., 5:52 p.m., 9:33 a.m., and 7:21 p.m.). In addition, Plaintiff has not attempted service by certified mail. Plaintiff must attempt to serve defendants “by *all* available traditional methods” before alternate methods are appropriate. *Electrical Workers Local 58 Pension Trust Fund v. Rite Elec. Co.*, 2010 WL 4683883 at *1 (E.D. Mich. Nov. 10, 2010).

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion for alternate service (ECF No. 6) is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Plaintiff’s motion to extend summons (ECF No. 7) is GRANTED and the summons shall be extended by 45 days.

Dated: October 28, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
October 28, 2019, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk